REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of May 11, 2009 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

Claim Rejections – 35 USC § 101

Claims 1, 4-6, 9, and 28 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter due to failure to meet the legal requirements of a "process."

Applicants submit that a person of ordinary skill in the art would readily appreciate that practicable embodiments of the claimed invention would be conducted with the aid of a computing machine, such as a server. Such computing machines are commonly understood to have memory. Further, the operations recited in the claims clearly change the state of the underlying data since the cache, register, or other memory on which the data is stored must be transformed to have a different magnetic polarity, electrical charge, or the like depending on the technology that is used. These are real physical changes. Further, memory is a real physical article. As such, Applicants submit that the method claims perform a transformation under the "machine or transformation" test and thus qualify as patent-eligible subject matter.

In addition, Claim 1 has been modified to recite that the at least one of the unified relationship chart and the relationship linkage chart is displayed in a graphical user interface of the computer so the method of the present invention does require computer-implementation.

Claim Rejections – 35 USC § 103

Claims 1, 4-6, 9, 28, and 33-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,067,548 to Cheng in view of U.S. Patent 6,735,568 to Buckwalter, *et al.* (hereinafter Buckwalter), and in further view of Applicants' admitted prior art.

Although Applicants respectfully disagree with the rejections, Applicants have amended independent Claims 1, 33, and 35 in an effort to even more clearly define the present invention and to facilitate prosecution of the instant application. The claim amendments are fully supported by the original disclosure and no new matter has been introduced.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by Claim 1, is a method for analyzing relationships between individuals.

The method can include obtaining organizational relationship data based upon an organization structure and recording the organizational relationship data in a relationship data store; obtaining project-based relationship data based upon project-specific collaborations and recording the project-based relationship data in the relationship data store; and obtaining social relationship data based upon social interactions and recording the social relationship data in the relationship data store.

The method also can include with respect to at least one of the relationships, assigning a first affinity value to the at least one relationship to indicate the relative strength of the relationship in one direction and assigning a second affinity value to the at least one relationship to indicate the relative strength of the relationship in another direction, whereby the at least one relationship is a bidirectional relationship; and dynamically and continuously altering the first and second affinity values based on detected communication events including informal social interactions between the individuals.

The method further can include receiving a relationship inquiry; querying the relationship data recorded in the relationship data store; generating a response to the inquiry based upon data gathered from the relationship data store; and graphically illustrating the query result in at least one of a unified relationship chart and a relationship linkage chart. The unified relationship chart can illustrate relationships among individuals using data from at least two different relationship categories. The relationship linkage chart can illustrate at least one relationship linkage including a chain of relationships that connect two individuals.

The method can additionally include displaying the at least one of the unified relationship chart and the relationship linkage chart in a graphical user interface of the computer. The displayed at least one of the unified relationship chart and the relationship linkage chart can be interactively manipulated resulting in corresponding changes being made to the underlying relationship data store.

See, e.g., Specification, paragraphs [0053] to [0059]; see also Figs. 1-3.

The Claims Define Over The Prior Art

As already discussed in the previous responses, one unique aspect of the present invention is that it dynamically captures all kinds of interactions between individuals in an organization and dynamically alters the relationships based on the captured interactions to create a holistic view of relationships. The interactions include, but are not limited to, those implied by the formal organizational structure, projects, formal and informal social interactions (e-mails, phone calls, instant messaging, etc). Also, the present invention assigns an affinity value indicating a strength of the relationships. Further, the unified relationship chart, together with the linkage strength, and relationship categories, can be used to find the linkage between two individuals with query criteria containing relationship categories, and to aid the formation of project teams or measure the degree of collaboration between the individuals in the organization.

Cheng discloses a system for recording relationships based on organizational structure and Cheng's focus is on the creation of the organizational model and attributes associated with the model. The present invention differs from Cheng in that the present invention provides a dynamic method for obtaining attributes which form the basis for the analysis of relationships. The present invention relies on interactions via various tools and mechanisms (e-mail, collaborative tools, instant messaging exchanges, etc.) being executed by individuals to determine the attribute values to be used to calculate the relationship values.

More specifically, Cheng at least does not disclose assigning a first affinity value to a relationship to indicate the relative strength of the relationship in one direction and assigning a second affinity value to the at least one relationship to indicate the relative strength of the relationship in another direction, whereby the at least one relationship is a bidirectional relationship, as recited in the present invention. Cheng also does not disclose dynamically and continuously altering the first and second affinity values based on detected communication events including informal social interactions between the individuals, as recited in the present invention.

Buckwalter does not make up for the deficiencies of Cheng as discussed above. Buckwalter provides a matching service which uses attributes (e.g., based on answers to survey questions) to identify potential satisfactory relationships between individuals. The relationships between individuals do not exist when the matching service is triggered. In contrast, the relationships in present invention are based on existing and on-going relationships (defined in the formal organizational structure, forged in projects, and communication events). Since in Buckwalter there wasn't any relationship between the individuals before the matching, it is also not possible to assign an affinity value to the relationship to indicate the strength of the relationship. It is noted that the satisfaction index of Buckwalter is not an affinity value in the sense of the present invention. The satisfaction index is the result of the analysis, whereas in the present invention the dynamically changeable affinity value is used as a tool for the relationship analysis.

The Examiner has repeatedly asserted in the Office Action that applying a known technique to a known element to produce a predictable result would have been obvious to one of ordinary skill in the art. However, it is noted that most if not all inventions arise from a combination of old elements. See *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453,1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See id. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See id. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. See *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 163.5, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125,1127 (Fed. Cir. 1984). A statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007).

It is noted that the Examiner has merely asserted that applying a known technique to a known element to produce a predictable result would have been obvious to one of ordinary skill in the art, without elaborating how the technique and the element are known, why one of ordinary skill in the art would apply the technique to the element, and how the result is predictable.

It was asserted in the Office Action that merely claiming the type of communication event between individuals, namely an informal social interaction, without more, constitutes non-functional descriptive material and should not be given patentable weight. However, according to MPEP 2106.01, USPTO personnel must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983). Also, the present invention claims more than just a compilation or mere arrangement of data. The present invention claims analyzing relationships between individuals utilizing the data.

The Examine took Official Notice that informal social interactions between individuals was old and well know in the art. However, it is noted that Applicants do not claim to have invented informal social interactions between individuals. Rather, in the present invention the informal social interactions between individuals are detected and recorded in the relationship data store and utilized for dynamically and continuously altering the first and second affinity values and for analyzing relationships between individuals.

Finally, Applicants believe that none of the cited references, individually or in combination, discloses the newly added limitation, namely displaying the at least one of the unified relationship chart and the relationship linkage chart in a graphical user interface of the computer, wherein the displayed at least one of the unified relationship chart and the relationship linkage chart can be interactively manipulated resulting in corresponding changes being made to the underlying relationship data store.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 33, and 35. Applicants therefore respectfully submit that Claims 1, 33, and 35 define over the prior art. Furthermore, as each of the remaining claims depends from Claims 1, 33, or 35 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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